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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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CLEARONE COMMUNICATIONS, INC., a  
Utah corporation,

Plaintiff,

v.

ANDREW CHIANG, an individual, JUN  
YANG, an individual, LONNY BOWERS, an  
individual, WIDEBAND SOLUTIONS, INC.,  
a Massachusetts corporation, VERSATILE  
DSP, INC., a Massachusetts corporation, and  
BIAMP SYSTEMS CORPORATION, an  
Oregon corporation,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING [1313] MOTION TO  
COMPEL CLEARONE TO REVEAL  
THE SOURCE OF “EXHIBIT B”  
AND DENYING MOTION TO STRIKE  
ANY REFERENCE  
THERE TO

Civil No. 2:07-cv-037 TC-DN

District Judge Tena Campbell

Magistrate Judge David Nuffer

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WideBand Defendants (Defendants Andrew Chiang, Jun Yang, Lonny Bowers, Wideband Solutions, Inc., and Versatile DSP) have moved to compel<sup>1</sup> ClearOne Communications, Inc., (ClearOne) to reveal the source of a purported email<sup>2</sup> attached to a post judgment motion by Clear One. ClearOne touts the email as provocative evidence of WideBand Defendants illicit intentions,<sup>3</sup> but WideBand Defendants persuasively analyze the purported e-

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<sup>1</sup> Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1313](#), filed November 18, 2008.

<sup>2</sup> The purported email is attached as Exhibit A to WideBand’s Memorandum in Support of Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1314](#), filed November 18, 2008. A more complete version is attached as Exhibit A to ClearOne’s Opposition to Defendants’ Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Opposition), docket no. [1318](#), filed November 21, 2008.

<sup>3</sup> Memorandum in Support of Motion for Permanent Injunction, Exemplary Damages, and Entry of Final Judgment at 3, docket no. [1294](#), filed November 12, 2008.

mail<sup>4</sup> and argue that it “reveals nothing relevant.”<sup>5</sup> The court agrees with WideBand Defendants’ characterization: “Put simply, Exhibit B is a distraction.”<sup>6</sup>

To the extent that ClearOne intends to argue the meaning of the purported e-mail, it will need to argue its significance, which will include provenance. The burden is on the proponent.

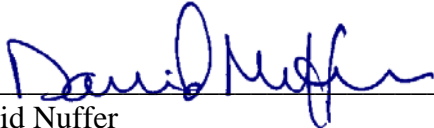
### **ORDER**

Therefore,

IT IS HEREBY ORDERED that the motion to strike any reference to the email is DENIED and the motion to compel<sup>7</sup> is DENIED.

DATED this 30th day of December 2008.

**UNITED STATES DISTRICT COURT**

  
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David Nuffer  
US Magistrate Judge

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<sup>4</sup> WideBand Defendants Consolidated (1) Reply Memorandum in Support of its Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto . . . (Reply) at 7-8, docket no. [1330](#), filed December 8, 2008.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.*

<sup>7</sup> Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1313](#), filed November 18, 2008.